

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECTV, Inc.

Plaintiff,

vs.

Roberto Perez

Defendant

) Case No.: **05-10098 DPW**

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**PLAINTIFF'S REQUEST
FOR ENTRY OF DEFAULT**

Plaintiff, DIRECTV, Inc ("DIRECTV"), by and through its undersigned attorney, pursuant to provisions of Rule 55 of the Federal Rules of Civil Procedure, hereby requests the Clerk of this United States District Court to enter a notice of default against defendant, **Roberto Perez**, for his failure to plead or otherwise defend the action brought by DIRECTV as appears from the attached affidavit.

2/16/05

Date

/s/ John M. McLaughlin

John M. McLaughlin (BBO: 556328)
Green, Miles, Lipton & Fitz-Gibbon
P.O. Box 210
77 Pleasant Street, Northampton, MA 01061-0210
Phone 413-586-8218
Direct line 413-586-0865
Fax 413-584-6278

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 16th day of February, 2005, a copy of the foregoing Request for the Entry of Default, the Affidavit in Support thereof and a proposed order were mailed first class to:

Roberto Perez
132 Harrison St. 1R
Fall River, MA

/s/ John M. McLaughlin
John M. McLaughlin, Esq.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DIRECTV, Inc.)	Case No.: 05-10098 DPW
)	
Plaintiff)	AFFIDAVIT OF ATTORNEY FOR
)	PLAINTIFF'S REQUEST FOR DEFAULT
vs.)	
)	
Roberto Perez)	
)	
Defendant)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On January 14, 2005, the Plaintiff filed a Complaint against the Defendant, **Roberto Perez**, in United States District Court, alleging violations of 47 U.S.C. § 605 and violations of 18 U.S.C § 2511.
2. On January 26, 2005, the said Defendant was served by leaving the pertinent documentation at the **last and usual** place of abode of the Defendant by a person who is not a party to this action (see copy of Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Federal Rules of Civil Procedure, the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
5. I have filed herewith a Request for Entry of Default, seeking that a Notice of Default be entered by this Court.

6. I have also filed herewith Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury.

Respectfully Submitted for the Plaintiff,
DIRECTV, INC.
By Its Attorney,

2/16/05

Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)
Green Miles Lipton & Fitz-Gibbon
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
(413) 586-0865

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Massachusetts

DIRECTV, Inc.

V.

Roberto Perez

SUMMONS IN A CIVIL CASE

CASE NUMBER:

TO: (Name and address of Defendant)

Roberto Perez
132 Harrison Street
1R
Fall River, MA 02723

05 10098 DPW

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon
P.O. Box 210
77 Pleasant Street
Northampton, MA 01061-0210
(413) 586-8218

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK



1-14-05

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE	
Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE
<i>Check one box below to indicate appropriate method of service</i>	
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served: _____ _____	
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____	
<input type="checkbox"/> Returned unexecuted: _____ _____ _____	
<input type="checkbox"/> Other (specify): _____ _____ _____	

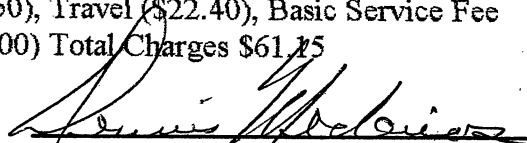


Bristol County Deputy Sheriffs' Office • P.O. Box 8928 • New Bedford, MA 02742-0928 • (508) 992-6631
Bristol, ss.

January 27, 2005

I hereby certify and return that on 1/26/2005 at 01:05 pm I served a true and attested copy of the Summons and Complaint, CA Cover Sheet, Case Cover Sheet, Corporate Disclosure in this action in the following manner: To wit, by leaving at the last and usual place of abode of Roberto Perez, 132 Harrison Street Apt. #1R Fall River, MA and by mailing first class mail to the above-mentioned address on 1/26/2005. Copies (\$4.00), Conveyance (\$1.50), Travel (\$22.40), Basic Service Fee (\$20.00), Postage and Handling (\$3.25), Attest Fee (\$10.00) Total Charges \$61.15

Deputy Sheriff Dennis Medeiros


 Deputy Sheriff

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DIRECTV, Inc.

Plaintiff,

vs.

Roberto Perez

Defendant

) Case No.: **05-10098 DPW**

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**ORDER FOR NOTICE OF REQUEST
FOR DEFAULT**

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Upon requests of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this _____ day of _____, _____.

BY THE COURT

Deputy Clerk